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Linda McCulloch  
Superintendent

**Joint Appropriations Subcommittee on Education  
Office of Public Instruction  
January 17, 2005      No Child Left Behind Update  
Superintendent Linda McCulloch's Remarks**

For the record, I am Linda McCulloch, State Superintendent of Public Instruction.

President Bush signed his federal education act, No Child Left Behind, into law on January 8, 2002. The goals of the act are ones we would all support. The law says that all students should be performing at grade level in reading and math by the year 2014. No child, regardless of their circumstances, should be left behind when it comes to receiving a high quality education. This is the goal of parents and educators everywhere. As with all good goals, the difficulty comes in turning the goals into working realities.

The law requires that all students – 100%, perform at proficient or above –not average, in reading in math. The law further requires that all students – 100%, graduate from high school. GEDs are considered drop-outs in the law. Schools, districts, and states that fail to meet these federal requirements, and in the federal timeframe, are held accountable and face sanctions. NCLB is the first federal education act that provides punishments for schools and ultimately students.

Montana's state education agency, the Office of Public Instruction has a very small staff. All states are required to meet the same 1,100 page law regardless of whether they have 100 employees or 3000. The accountability associated with NCLB creates the need for fiscal, computer and academic program staff to work together now more than ever before. Our OPI staff has risen to the challenge and is finding many ways to identify program and fiscal efficiencies. But Montana, like most states, needs this law to be fully funded to truly meet the challenges it presents.

Making a law that was written predominantly for large, urban school districts, work in a rural state like Montana has been an incredibly time consuming and, too often, a frustrating task. The needs of Montana are vastly different than many larger populated states. Take another western state, California, for example – is 37.5 times the size of Montana's total population. At slightly under one million people, the entire Montana population is comparable to a large school district in California, such as LA.

### **Accountability (Adequate Yearly Progress – AYP)**

The law requires that each state annually determine the accountability status of each public school and each school district in the state. If schools and districts meet the accountability

*"It is the mission of the Office of Public Instruction to improve teaching and learning through communication, collaboration, advocacy, and accountability to those we serve."*

requirements of the law, they have made “Adequate Yearly Progress or AYP.” My office is required to make that determination each year.

There are two separate processes for determining AYP. The first is for larger schools and districts and is totally a calculated or computer process. For schools that are too small to be a part of the calculated process a process is used that includes some calculations plus evaluations based on the school’s Comprehensive Evaluation Plan (the lesson plan for how each school will continue to improve their students’ achievement), trends in student achievement and other factors related to the achievement of students in the school. This small schools process allows us to look at a number of evaluative measures to come up with whether a school or district has met Adequate Yearly Progress. I believe this is a very valuable process. Frankly, with a rural state like Montana, all our schools should be evaluated by this method. It is the U.S. Department of Education that determines how many schools will be in the larger schools calculated process.

The small schools process requires much hands-on work. This year over 70 teachers, administrators and county superintendents came to Helena, at their own expense, to work with OPI staff to determine the AYP status of over 500 Montana schools. Folks in Washington, D.C. are always impressed by our ability in Montana to work together.

It’s important to keep Adequate Yearly Progress in perspective. AYP is only one indication of the quality of Montana education. In fact, students are evaluated daily through constant interaction with a qualified teacher, homework assignments, periodic testing on information they are studying and more. I hope that in the future, we will be allowed to include more schools in the small schools process because this process uses multiple measures to determine quality. And frankly, Montana is the very definition of “small schools.” I do not believe that using only the federal designation of AYP accurately portrays the quality of Montana’s schools and districts.

### **Local Control**

Being accountable is a very good thing, but I am concerned that the federal law is in direct conflict with our Montana Constitution regarding local control by school trustees for their school districts. Curriculum and staffing decisions should be made at the local level. These beliefs have served us well. However, when schools do not improve, the federal law requires the State Superintendent to take over running the school district, including curriculum and staffing. Our Montana Constitution prohibits me from doing this, and rightly so. The US Department of Education is aware of this conflict.

### **Resources**

The law does provide for increased resources. There are more funds for Montana schools to use for Title I and for enhancing reading instruction. NCLB also includes many new requirements of states, districts and schools. Again, the goals and philosophies are good, but the cost of making sure that every single child performs at least at the proficient level and not a single child drops out of school is not inexpensive. In the big picture, Montana schools have not received enough funds to accommodate all the requirements of NCLB. There is no indication in the near future that the law will be fully funded.

### **Assessment**

Currently, the Montana Board of Public Education requires schools to test students in grades 4, 8 and 11 in five subject areas (reading, language arts, math, social studies and science), using the Iowa Tests which are paid for by the State of Montana.

No Child Left Behind currently requires criterion referenced testing in reading and math in grades 4, 8 and 10. In 2006 testing in these subject areas will be increased to grades 3-8, as well as grade 10. In 2008 science testing will be added in grades 4, 8 and 10. Last week, President Bush announced proposals to further increase testing in high school to also include grades 9 and 11.

NCLB requires a criterion-referenced test (CRT) geared to the state content standards. A CRT is much more expensive to develop and administer than the Iowa Tests. In addition, NCLB requires an alternate test be developed for students with significant cognitive disabilities. NCLB also requires a test for students who are limited English proficient. (Refer to MontCas Brochure)

**The National Assessment of Educational Progress (NAEP)**, also known as "the Nation's Report Card," does not provide scores for individual students or schools, instead, it offers results regarding subject-matter achievement at the state and national levels.

In 2005, more than 450 Montana schools have been randomly selected to participate in NAEP. Assessments will be conducted in reading, mathematics and science. Students tested will be primarily in grades 4 & 8 and a small number of high schools.

Montana students consistently score well on NAEP:

2000 NAEP Science Rankings:

8<sup>th</sup> Grade -- 1<sup>st</sup> in Nation

4<sup>th</sup> Grade -- 2<sup>nd</sup> in Nation

2003 NAEP Math Rankings:

8<sup>th</sup> Grade -- 4<sup>th</sup> in Nation

2003 NAEP Reading Rankings:

8<sup>th</sup> Grade -- 6<sup>th</sup> in Nation

4<sup>th</sup> Grade -- 9<sup>th</sup> in Nation

### **Highly Qualified Teachers**

A big hurdle in the "No Child Left Behind" law is meeting the requirement for having a "highly qualified teacher" teaching in every classroom by the 2005-06 school year. Again, a very laudable goal. I believe Montana already meets that goal through our current state teacher certification process. Montana has some of the finest teachers in the country. It is why for years other states have actively recruited our new teaching graduates and veteran teachers. Now with the new federal legislation, the qualifications of Montana teachers are being questioned.

Just as in the case of the "adequate yearly progress" report, the public will again be misled to believe that large numbers of their local schools and educators are not up to performing their jobs. You and I know what this does for a school's morale. Many Montana teachers, who are among the best in the country, and the lowest paid, would suddenly be labeled as no longer being highly qualified. This is an insult to Montana and simply not true.

Two years ago my office submitted Montana's definition of a "highly qualified teacher" to the U.S. Department of Education. In that plan I said "according to Montana Law and administrative rule, Montana teachers meet the definition of highly qualified teachers if they are licensed and endorsed in the areas in which they teach." That differs from the federal definition of a "highly qualified teacher." The new federal law defines only teachers who hold a degree or a major in every subject they teach or pass a rigorous test in each subject area as a "highly qualified teacher." Given distances to travel to attend college, teacher salaries, levels of school funding, and so on, Montana simply cannot meet this federal definition.

The Department of Education is under considerable pressure from numerous states to show flexibility in the "Highly Qualified Teacher" requirements. They sent staff to Montana in December 2004, but we have not received confirmation that our definition will suffice. Montana schools are already having trouble attracting teachers. Unless the U.S. Department of Education is able to allow flexibility to the states on how they are to comply with the new federal law, there will be more and more schools struggling to deal with increasing federal sanctions and limited federal dollars. So, we are anxiously hoping for good news on our definition of a highly qualified teacher.

My staff and I have been in numerous discussions with the U.S. Department of Education over the past couple of years on a variety of issues related to the NCLB. We worked together with our Congressional delegation, Governor Martz and her policy advisor, Kris Goss, and will continue to do so with Governor Schweitzer. It has been my responsibility, and frankly a privilege, to advocate with the US Education Department, and the White House for the rural needs of Montana's students

My staff and I are always available to answer any questions you may have regarding No Child Left Behind. Information can also be found on our website. [www.opi.state.mt.us](http://www.opi.state.mt.us). Thanks, again, for your time today.